

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TONY CHENG,

Plaintiff,

v.

SCHLUMBERGER,

Defendant.

No. C 13-02641 JSW

**ORDER DENYING MOTION
DIRECTING DEFENDANT TO
ADVANCE FUNDS**

(Docket No. 22)

On July 10, 2013, Plaintiff filed a letter directed to Magistrate Judge Laporte who is no longer assigned to this case. In that letter, Plaintiff requested that the Court “compel the defendant to advance funds or make reasonable equivalent arrangements” so that he can seek out and retain competent legal counsel. That request is DENIED.

To the extent Plaintiff’s letter should be construed as request that the Court appoint counsel for him, pursuant to 42 U.S.C. Section 2000e-5(f)(1), the Court DENIES that request without prejudice. Pursuant to Section 2000e-5(f)(1), a court may appoint counsel for a plaintiff “in such circumstances as the court may deem just.” There are three relevant factors to consider in determining “whether to appoint counsel: (1) the plaintiff’s financial resources; (2) the efforts made by the plaintiff to secure counsel on his or her own; and (3) the merit of the plaintiff’s claim.” *Johnson v. United States Treasury Department*, 27 F.3d 415, 416-17 (9th Cir. 1994). Ultimately, the decision on whether to appoint counsel is a matter left to the Court’s discretion. *Id.* at 416.

Although the Court determined that Plaintiff qualifies to proceed *in forma pauperis*, he does not identify what efforts - if any - he has made to secure counsel on his own behalf. In addition, at this stage, the Court cannot evaluate whether Plaintiff’s claim has merit.

1 If Plaintiff seeks to have counsel appointed for him by the Court, he may renew his
2 request in the future, but he must file a properly noticed motion for appointment of counsel.
3 The Court ADVISES Plaintiff that a Handbook for Pro Se Litigants, which contains helpful
4 information about proceeding without an attorney, is available through the Court's website or in
5 the Clerk's office. The Court also advises Plaintiff that he also may wish to seek assistance
6 from the Legal Help Center. Plaintiff may call the Legal Help Center at 415-782-9000,
7 extension 8657, or sign up on the 15th Floor of the Courthouse, Room 2796, for a free
8 appointment with an attorney who may be able to provide basic legal help, but not legal
9 representation.

10 **IT IS SO ORDERED.**

11 Dated: July 12, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE